

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DURRELL ANTHONY PUCKETT,

Plaintiff,

v.

BARAONA, *et al.*,

Defendants.

Case No. 1:21-cv-01448-DAD-BAM (PC)

ORDER GRANTING MOTION FOR
ADMINISTRATIVE RELIEF RE: SECOND
REQUEST FOR EXTENSION OF TIME TO
FILE WAIVERS OF SERVICE OF PROCESS

(ECF No. 37)

**Waivers of Service of Process Due: June 22,
2022**

Plaintiff Durrell Anthony Puckett (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff’s first amended complaint against: (1) Defendants Baraona, Burneszki, Leos, Hernandez, Diaz, and Doe 1 for excessive force in violation of the Eighth Amendment; (2) Defendant Leos for sexual assault in violation of the Eighth Amendment; and (3) Defendants A. Ruiz, Martinez, E. Ruiz, Meiers, Gutierrez, A. Cruz, K. Cronister, and Jane Doe Nurse for failure to protect in violation of the Eighth Amendment.

On March 17, 2022, the Court ordered electronic service on Defendants Baraona, Burneszki, Leos, Hernandez, Diaz, A. Ruiz, Martinez, E. Ruiz, Meiers, Gutierrez, A. Cruz, and K. Cronister and directed the California Department of Corrections and Rehabilitation (“CDCR”) to file a Notice of E-Service Waiver advising the Court which defendant(s) would be waiving service of process without the need for personal service. (ECF No. 17.) That order also required

1 the California Office of the Attorney General (“OAG”) to file, within 30 days from the filing of
2 the Notice of E-Service Waiver, a separate waiver of service of process for any defendant
3 waiving service under Federal Rule of Civil Procedure 4(d)(1). (*Id.*) CDCR returned the Notice
4 of E-Service Waiver indicating that Defendants Baraona, Burneszki, Leos, Hernandez, Diaz, A.
5 Ruiz, E. Ruiz, Gutierrez, and K. Cronister intend to waive service on April 21, 2022. (ECF No.
6 22.) Following an extension of time, waivers of service of process from the OAG for these
7 defendants were due on or before June 7, 2022. (ECF No. 35.)

8 On June 6, 2022, waivers of service of process were returned executed for Defendants
9 Baraona, Burneszki, Leos, Diaz, A. Ruiz, and K. Cronister. (ECF No. 36.) The same date,
10 counsel for the OAG, by special appearance, filed a motion for administrative relief requesting a
11 second fifteen-day extension of time to file waivers of service of process for Defendants
12 Hernandez, E. Ruiz, and Gutierrez. (ECF No. 37.) Counsel from the OAG states that the
13 extension is necessary to determine whether the OAG will be representing these defendants in
14 this case. Until that determination is made, the OAG is unable to file a waiver of service of
15 process on behalf of these defendants. Counsel expects a second fifteen-day extension will allow
16 enough time to determine whether the OAG will be representing these defendants. (*Id.*)

17 Having considered the request, the Court finds that there is good cause to grant an
18 extension of time for these defendants to file their waivers of service of process. Fed. R. Civ. P.
19 6(b). The Court further finds that Plaintiff will not be prejudiced by the brief extension.

20 Accordingly, the motion for a second extension of time, (ECF No. 37), is HEREBY
21 GRANTED. Defendants Hernandez, E. Ruiz, and Gutierrez shall file waivers of service of
22 process on or before **June 22, 2022**.

23 IT IS SO ORDERED.
24

25 Dated: **June 7, 2022**

26 /s/ *Barbara A. McAuliffe*
27 UNITED STATES MAGISTRATE JUDGE
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